In the High Court of Judicature at Madras

Dated: 13.04.2007

Coram:

The Honourable Mr.Justice P.SATHASIVAM
and
The Honourable Mr.Justice S.TAMILVANAN

Writ Petition No.4694 of 2007
& M.P.Nos.1 & 2 of 2007

1.S.Jayalakshmi
2.G.Sivasundaraganesan
3.S.Karpagavalli .. Petitioners

..Vs..

1.The Corporation of Chennai,
rep. by its Commissioner,
Rippon Buildings,
Chennai-600 003.

2.The Assistant Engineer,
Corporation of Chennai,
Zone No.IX, Division No.130,
33A, Bobbili Raja Salai,
K.K.Nagar, Chennai-600 078.

3.The Tamil Nadu Housing Board,
rep. by its Managing Director,
Nandanam, Chennai-600 035.

4.Natarajan .. Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing respondents 1 to 3 to take necessary action in accordance with law as against the fourth respondent for putting up the new construction in the common area situated in Block Nos.M35 and M36 Dr. P.T. Rajan Salai, K.K.Nagar, Chennai-600 078.

For Petitioner : Mr.S.Mahimairaj
For Respondents 1&2 : Mr.V.Bharathidasan
For 3rd respondent : Mr.R.Girirajan
For 4th respondent : No appearance

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ORDER

(Order of the Court was made by P.SATHASIVAM,J.)

The petitioners have approached this Court to issue a Writ of Mandamus directing respondents 1 to 3 to take necessary action in accordance with law against the fourth respondent for putting up the new construction in the common area situated in Block Nos.M35 and M36 Dr. P.T. Rajan Salai, K.K.Nagar, Chennai-600 078.

2. Though notice had been duly served to the fourth respondent, he has not chosen to contest the above writ petition by engaging a counsel.

3. Pursuant to the direction of this Court, a report has been filed on behalf of Respondents 1 and 2, which shows that the building in dispute was in existence since 1984. Originally there was a thatched roof and subsequently, the fourth respondent altered the building by changing the same into RCC roof in the month of June 2006 without obtaining permission. Accordingly, notice under Section 236 of the Chennai City Municipal Corporation Act (hereinafter referred to as "the Act) was issued by the respondent-Corporation to the fourth respondent. The report further shows that since the fourth respondent has not complied with the direction as per the notice issued under Section 236 of the Act, the respondent-Corporation issued another notice under Section 256 (1) & (2) of the Act on 22.03.2007 and also assured this Court that they will take further action against the unauthorised construction.

4. The above report of respondents 1 and 2 is hereby recorded. Respondents 1 and 2 are permitted to proceed further in accordance with law. In view of the steps being taken by respondents 1 and 2, no further direction is required in this writ petition and the same is closed. No costs. Consequently, M.P.Nos.1 and 2 are also closed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai-600 003.

2.The Assistant Engineer,
Corporation of Chennai,
Zone No.IX, Division No.130,
33A, Bobbili Raja Salai,
K.K.Nagar, Chennai-600 078.

3.The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai-600 035.

3 cc To M/s.Mahimairaj, Advocate, SR.24023.
1 cc To Mr.R.Girirajan, Advocate, SR.24246.
1 cc To Mr.V.Bharathi, Advocate, SR.24741.

W. P. No.4694 of 2007

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RVL 21.04.2007

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